

Notice of Allowability

Application No.

10/683,942

Examiner

Robert J. McCarry, Jr.

Applicant(s)

WOODALL ET AL.

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on 10/10/03.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 10 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1, line 23; after the word "first" the word "portion" has been removed and replaced with the word --position--.

The Examiner has made this amendment to correct a spelling error. In light of the Specification, and also the other independent claims, the Examiner has understood that the porthole cover has a first position and a second position instead of the recited first portion.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: applicant recites a tank car comprised of a manway formed in an upper portion of the car. A cover is coupled to the manway and a valve is coupled to the cover and operable to discharge fluids from the tank car. A protective housing assembly is coupled to the upper portion of the railway tank car and disposed around the manway cover and valve. The protective housing assembly has a normal access cover operable to prevent unauthorized access to the manway cover and the valve. The normal access cover having a first, closed position which prevents access and a second open position to allow access to the manway cover and the valve. Portholes are formed in a side wall of

the protective housing assembly and allow access to operate the valve. Porthole covers are positioned in accordance with the portholes. The covers have a first position blocking access to the valve and a second position, which allows access to the valve. The porthole covers are engaged with the normal access cover to prevent movement of the porthole cover. When the normal access cover is in the first, closed position the porthole covers will also be in the closed position blocking access to the valves. When the normal access cover is in the second, open position the porthole covers may be moved to the second open position to allow access to the valve.

The prior art made of reference, taken singularly or in combination, does not adequately disclose the features recited in the instant claims. Specifically, the prior art of Burian et al (US 6,076,471) discloses a manway cover assembly with a safety vent or valve clearly protruding through the top cover and does not show portholes arranged in the side wall of the manway cover. Crochet et al (US 6,390,119) discloses a manway cover assembly enclosing valves. The reference shows portholes arranged in the sidewall but does not show covers over the portholes and engaged with the movable cover. Degutis et al (US 6,557,477) discloses a protective ring that fits inside a manway cover assembly. The ring is rotated to cover the portholes in the side wall. However, the ring protector is only accessible when the cover is moved from a first closed position to a second open position and does not engage the cover as the porthole covers of the instant application engage the cover as recited in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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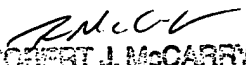
accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM
January 6, 2005


ROBERT J. MCCARRY, JR.
PATENT EXAMINER
3617


S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600